

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THERASENSE, INC.,  
Plaintiff,

v.

BECTON, DICKINSON AND COMPANY,  
Defendant.

No. C04-02123 MJJ  
No. C04-03327 MJJ  
No. C04-03732 MJJ  
No. C05-03117 MJJ

**ORDER RE: PARTIES' REQUESTS TO  
FILE DOCUMENTS UNDER SEAL**

Before the Court are the Defendants' various administrative motions to file documents under seal in connection with their summary judgment motions. (Case No. 04-2123, Docket Nos. 374 & 379; Case No. 04-3732, Docket Nos. 239 & 249; Case No. 05-3117, Docket Nos. 538, 548 and 554.)

To the extent these administrative motions seek to seal information in which the Defendants themselves assert a confidentiality interest, the Court finds that Defendants have not made a detailed or particularized showing as to which documents, or portions of documents, meet the "compelling reasons" standard set forth in *Kamakana v. City of Honolulu*, 447 F.2d 1172 (9th Cir. 2006).

To the extent these administrative motions seek to seal information in which Plaintiffs assert a confidentiality interest, the Court finds that Plaintiffs have failed to comply with Local Rule 79-5(d) by either withdrawing the designation of confidentiality or filing a declaration establishing that documents, or portions of documents, meet the "compelling reasons" set forth in *Kamakana*.

Moreover, it appears from an initial review that many, if not all, of the sealing requests are overbroad, as in some instances they broadly seek to place entire documents under seal, portions of

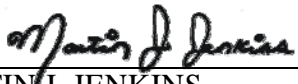
1 which the Court can perceive no legitimate confidentiality interest by any party.

2 Accordingly, the Court orders the parties, after meeting-and-conferring regarding the pending  
3 administrative motions, to file supplemental papers **no later than Friday, November 9, 2007** that either  
4 (1) withdraw confidentiality designations and the associated sealing requests, or (2) adequately establish,  
5 by sworn declaration, the particularized and specific grounds on which this Court should seal  
6 documents, or portions of documents, under the standards set forth in *Kamakana*. The Court will enter  
7 a final ruling on any outstanding requests for protective seals in connection with the summary judgment  
8 motions after receiving the parties' supplemental submissions.

9 For all future requests for protective seals, the Court refers the parties to, and **ORDERS** the  
10 parties to comply with, this Court's September 2007 Standing Order For Cases Involving Sealed Or  
11 Confidential Documents.

12  
13 **IT IS SO ORDERED.**

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16 Dated: November 5, 2007

  
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MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE